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CONGRESSIONAL RECORD — HOUSE

H Res 400
File
H 3307

his discharge in 1945 and was recalled to active duty during the Korean conflict and remained in the military until his retirement last year. A former chairman of the East Hartford Board of Education, General Ciccalone was also active in civic and fraternal affairs. Since his retirement, he has been living in Arizona while maintaining a summer home at the Connecticut shore.

I hope that all Americans throughout the United States will join with us in Connecticut in renewing our devotion to our Nation. The strains of the past generations must be allowed to heal. I am hopeful that with the end of the war in Southeast Asia, we can again find the sense of shared purpose that made our Nation great.

HOUSE RESOLUTION 400, RESOLUTION OF INQUIRY REQUESTING THE PRESIDENT TO PROVIDE TO THE HOUSE OF REPRESENTATIVES CERTAIN INFORMATION RESPECTING U.S. NATIONALS WHO ARE PRESENTLY IN SOUTH VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN) is recognized for 10 minutes.

Mr. MORGAN. Mr. Speaker, on April 24, 1975, the Committee on International Relations met in open session to consider House Resolution 400 which was introduced on April 16, 1975, by the Honorable ELIZABETH HOLTZMAN and the Honorable JOHN L. BURTON.

The committee adopted, without objection, a motion to lay the resolution on the table.

House Resolution 400 directs the President to provide the House of Representatives certain information respecting U.S. nationals who are presently in South Vietnam.

On April 17, 1975, the day when the resolution was referred to the committee, the chair forwarded it to the President requesting his prompt response. Replies were received from the White House and Department of State on April 19 and 23, 1975, respectively.

The committee agreed that, given the critical circumstances in South Vietnam, the information provided in the executive branch reply appeared to be significantly responsive to the issues raised in House Resolution 400.

In addition, the committee noted that the resolution is drafted in such a manner as to cast doubt on its standing as a bona fide "privileged resolution of inquiry."

According to the Rules of the House of Representatives—paragraph 857—a resolution of inquiry may not be accorded privileged status if it requires an investigation.

In the case of House Resolution 400, the committee noted that the development of some of the information requested under item 3 of the resolution would require an investigation on the part of the President.

For example, item 3 requests the "types of work" engaged in by various

U.S. nationals in South Vietnam, who are not U.S. Government employees.

Mr. Speaker, I am making this statement to apprise the House of what transpired in the Committee on International Relations on April 24, 1975, and to draw attention to the reasons which motivated the committee to table House Resolution 400.

At this point, I include in the RECORD the texts of House Resolution 400, my letter to the President, and the executive branch replies:

H. Res. 400

Resolved, That the President is directed to provide, not later than five days after the adoption of this resolution, to the House of Representatives the following information in the possession of the executive branch:

(1) the number of United States nationals presently in South Vietnam as employees of the United States Government, the agencies by which they are employed, and the activities in which they are engaged;

(2) the number of United States nationals presently in South Vietnam who work as or for United States Government contractors or subcontractors;

(3) the number of United States nationals presently in South Vietnam who are not employees of the United States Government, together with the types of work in which they are engaged, including nonprofit humanitarian relief activities, business ventures, and mercenary activities;

(4) the number of dependents of United States nationals, which dependents are presently in South Vietnam; and

(5) the reasons, to the extent known, for which persons in each category above have not been evacuated from South Vietnam.

This information shall be made available to each Member of the House of Representatives in accordance with procedures adopted by the Speaker to assure the confidentiality of any classified information.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., April 17, 1975.

Hon. GERALD R. FORD,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am writing to request your comments on a resolution of inquiry which was introduced in the House on April 16, 1975, and referred to the Committee on International Relations.

Enclosed are two copies of the resolution, H. Res. 400, directing the President to provide to the House of Representatives certain information respecting U.S. nationals who are presently in South Vietnam.

As you know, the Committee must act on this resolution within seven (7) legislative days beginning today. Therefore, we will appreciate receiving your comments as soon as possible, but no later than Tuesday, April 22, 1975.

Sincerely,

Chairman.

THE WHITE HOUSE,
Washington, April 18, 1975.

Hon. THOMAS E. MORGAN,
Chairman, Committee on Intergovernmental Relations, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Your letter and enclosures pertaining to the H. Res. 400, directing the President to provide to the House of Representatives certain information respecting U.S. nationals who are presently in South Vietnam are appreciated.

With regard to this resolution of inquiry I am pleased to advise you that the Department of State has been instructed, effective

today, to provide daily statistics on the number of Americans in Viet Nam and the progress of evacuation efforts to both the House Committee on International Relations and the Senate Foreign Relations Committee. As of today I am advised that the total number of Americans in South Viet Nam has been reduced to 3,582.

I am hopeful this information will be useful to the committee.

With kindest regards,

Sincerely yours,

MAX L. FRIEDERSDORF,
Assistant to the President.

DEPARTMENT OF STATE,
Washington, D.C., April 23, 1975.

Hon. THOMAS E. MORGAN,
Chairman, Committee on International Relations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Further to Mr. Max Friedersdorf's letter of April 18, I have been asked to respond to your kind letter to the President of April 17 transmitting H. Res. 400 which directs the President to provide to the House of Representatives information in respect to U.S. nationals who are presently in South Vietnam. As discussed with a member of your staff, we are presenting the information in the attached tabular form showing the data requested for the period of April 17 through 21.

With regard to Item 1 of the Resolution, the enormous demands imposed on our Saigon Embassy by the round-the-clock evacuation precludes our furnishing at this time an agency breakdown of U.S. Government employees and details of the activities in which they are engaged. Generally, the total includes personnel attached to agencies normally represented in a large diplomatic mission—i.e. the Department of State, the Agency for International Development, the Department of Defense, the United States Information Agency, the Central Intelligence Agency, etc. The activities of these personnel cover the normal range—i.e. political and economic reporting, management of economic and military aid and information programs, intelligence collection, and the like.

Concerning Item 3 of the Resolution, again the press of evacuation activities obviates our providing full details on the types of work in which private Americans are engaged in South Viet Nam. There is a substantial community of private Americans there including representatives of commercial and banking firms, voluntary agencies, foundations, missionary organizations, the press, etc. We would emphasize that our tabulation of dependents (Item 4 of the Resolution) includes alien (Vietnamese) as well as American dependents of U.S. nationals. We of course have evacuation responsibility for both categories.

With regard to Item 5 of the Resolution, we would note that, between April 17 and 21, the American presence has been reduced almost 40 percent and that withdrawals are being made at an accelerated rate. The withdrawal rate is dependent on a number of factors—difficulties (which are now substantially resolved) related to the exit from Viet Nam and entry into the United States of alien dependents, the effect of withdrawals on the stability of the situation in South Viet Nam, the need to maintain sufficient numbers of employees and contractor personnel to perform essential Mission functions, and, with regard to the category of private Americans, the fact that the U.S. Government can urge but cannot order their departure.

I hope that the foregoing information will be useful to the Sponsors of the Resolution and to the House of Representatives.

Sincerely,

ROBERT J. McCLOSKEY,
Assistant Secretary
for Congressional Relations.

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TABULAR RESPONSE TO H. RES. 400

	April				
	17	18	19	20	21
USG employees.....	1,242	1,178	1,117	1,059	977
Contractor employees.....	1,027	970	935	807	582
Private U.S. citizens.....	814	586	566	583	375
Dependents (American and alien).....	1,501	1,504	1,481	1,246	1,184
Total.....	4,584	4,238	4,099	3,695	3,118

LATEST PRESIDENTIAL IMPOUNDMENT OF HEW FUNDS CONFIRMS IMPORTANCE OF ENACTING H.R. 2434

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 10 minutes.

Mr. DRINAN. Mr. Speaker, earlier this year vital programs in medical research and other areas were jeopardized when President Ford proposed the rescission of more than \$1 billion in appropriated HEW funds for fiscal year 1975. Although Congress eventually rejected the proposed cutbacks and the funds were released, these programs suffered chaos, paralysis, and uncertainty for several months while the President impounded funds pending congressional action on his proposed rescissions. According to the general counsel of the Office of Management and Budget, there was nothing which Congress could do during the 45-day period specified in the Impoundment Control Act to prevent the interruption of ongoing programs and the impoundment of appropriated funds.

Despite the overwhelming rejection of President Ford's proposed HEW rescissions submitted to the Congress on January 30, 1975, the President has recently renewed his efforts to undermine vital social programs through the impoundment of appropriated funds. On April 18, 1975, the President sent a special message to Congress enumerating four proposed HEW rescissions totalling \$238.3 million. The President proposes to eliminate entirely the funding of training programs in nursing, public health, and allied health fields. He also proposes to halt Federal funding of new health teaching facilities including medical schools and nursing schools. Finally, the President proposes to curtail the construction of new community mental health centers.

If these proposed rescissions were approved by Congress, the quality of health care in the United States would suffer greatly. The termination of grants and traineeships to nursing schools and nursing students would force schools to cut back their enrollment and force many students to pass up nursing as a career due to the high cost of professional education. Approximately 1,100 of the Nation's 1,400 nurse training programs would be directly affected by the proposed rescission. It is incredible to me that the President could suggest the termination of nurse training assistance programs at a time when tuition is skyrocketing, the economy is beset by recession, and the American people suffer

from a shortage of qualified health professionals.

The proposed rescission of funds for public health training, allied health fields training, and health teaching facilities construction would have a similarly disastrous effect. Approximately 17,000 trainees would lose Federal assistance as a result of this action. Many of them would have to leave school, giving up their goal of contributing to the health of the American people. Approximately 70 approved projects for the renovation or construction of medical schools, nursing schools, and other health teaching facilities would go unfunded if the President's proposal were approved.

According to the President's own figures, 66 community mental health centers proposed for construction will go un-built if his rescissions are approved. The CMHC program is a recent development, an innovative approach to the problem of integrating the mentally ill into community life. Now the President proposes to sharply cut back this program before it has had a chance to demonstrate its effectiveness.

There is little doubt in my own mind that Congress will eventually reject the President's proposed rescissions. On April 10, the Senate expressed its support of nurse training programs by passing the Nurse Training Act of 1975 by a vote of 77 to 14. Similar legislation has been reported out of the House Committee on Interstate and Foreign Commerce and will be on the House floor shortly. The Community Mental Health Centers Act was included in the Health Services Act passed overwhelmingly and then pocket vetoed by the President last December. I expect that Congress will reassert its support of that program in a new health services bill sometime in the near future. All of the proposed HEW rescissions contradict congressional intent that these vital programs be adequately funded, not cut back or eliminated.

A serious problem remains, however, with the impoundment of the funds proposed for rescission during the next 45 days. The administration has claimed the power to impound while a proposed rescission is pending before Congress. While I strongly disagree with that interpretation of the Impoundment Control Act, I recognize that section 1012(b) of the act is not clearly worded. I have introduced legislation (H.R. 2424) to resolve any ambiguity by specifically requiring that all funds proposed for rescission shall continue to be allotted unless and until Congress approves a proposed rescission. Sixty-five Members of the House have joined me to date in sponsoring this amendment to the Impoundment Control Act. A list of those cosponsors follows:

SPONSORS OF H.R. 2434

Bella Abzug of New York.
Herman Badillo of New York
Jonathan Bingham of New York
Michael Blouin of Iowa
John Brademas of Indiana
George Brown of California
Yvonne Burke of California
Shirley Chisholm of New York
Cardiss Collins of Illinois
John Conyers of Michigan

James Corman of California
Dominick Daniels of New Jersey
Ronald Dellums of California
William Ford of Michigan
Mark Hannaford of California
Michael Harrington of Massachusetts
Augustus Hawkins of California
Henry Helstoski of New Jersey
Floyd Hicks of Washington
Elizabeth Holtzman of New York
John Jenrette of South Carolina
Edward Koch of New York
Martha Keys of Kansas
Mike McCormack of Washington
John McFall of California
Matthew McHugh of New York
Ron DeLoe of the Virgin Islands
Charles Diggs of Michigan
Thomas Downey of New York
Robert Edgar of Pennsylvania
Joshua Eilberg of Pennsylvania
Dante Fascell of Florida
Floyd Fithian of Indiana
Harold Ford of Tennessee
Thomas O'Neill of Massachusetts
Richard Ottinger of New York
Edward Pattison of New York
Claude Pepper of Florida
J. J. Pickle of Texas
Henry Reuss of Wisconsin
Frederick Richmond of New York
Benjamin Rosenthal of New York
Paul Sarbanes of Maryland
James Scheuer of New York
Patricia Schroeder of Colorado
John Seiberling of Ohio
Stephen Solarz of New York
Andrew Maguire of New Jersey
Spark Matsunaga of Hawaii
Helen Meyner of New Jersey
George Miller of California
Pasty Mink of Hawaii
Parren Mitchell of Maryland
John Moss of California
Robert Nix of Pennsylvania
Gladys Spellman of Maryland
Pete Stark of California
Gerry Studds of Massachusetts
Frank Thompson of New Jersey
Paul Tsongas of Massachusetts
Henry Waxman of California
Charles Wilson of California
Timothy Wirth of Colorado
Antonio Won Pat of Guam
Andrew Young of Georgia

Regrettably, the House Committee on Rules, which has legislative jurisdiction in this area, has not yet scheduled hearings on this important bill. On March 18, I wrote to the chairman of the Rules Committee to request that he hold hearings on H.R. 2434. On March 26, I received a reply from the staff director of the committee. I attach the text of this exchange of correspondence for the information of my colleagues:

MARCH 18, 1975.

HON. RAY J. MADDEN,
Chairman House Committee on Rules,
Rayburn House Office Building.

DEAR MR. CHAIRMAN: I am writing to urge you to schedule hearings on legislation to clarify a crucial point of congressional intent in the Impoundment Control Act of 1974.

When Congress passed the Conference Report on the Budget and Impoundment Control Act last June, it intended that impoundment through rescission would take place only if Congress acted affirmatively to approve a rescission proposed by the President. Unfortunately, the Administration has chosen to ignore congressional intent by claiming the power to impound funds proposed for rescission during the 45-day period that a rescission proposal is pending before Congress. Thus a proposed rescission is effectively implemented for a 45-day period by